

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

DR. HAROLD DAVIS,

Plaintiff,

vs.

Civ. No. 01-799 MV/LFG

PROVIDENT LIFE AND ACCIDENT  
INSURANCE COMPANY, UNUM LIFE  
INSURANCE COMPANY OF AMERICA  
(a/k/a UNUM PROVIDENT  
CORPORATION), and JOHN DOES 1-10,

Defendants.

**MEMORANDUM OPINION AND ORDER**

**THIS MATTER** comes before the Court on Provident Defendants' Motion for Partial Summary Judgment on Counts Alleging Joint Venture, Civil Conspiracy, Aiding and Abetting, and Prima Facie Tort, filed July 1, 2002, [**Doc. No. 91**].<sup>1</sup> Defendants' motion seeks summary judgment on Counts V through VIII of Plaintiff's Complaint. Plaintiff has since abandoned these claims. *See* Plaintiff's Response to Court Order, filed February 12, 2004 [**Doc. No. 168**].


**IT IS THEREFORE ORDERED** that Provident Defendants' Motion for Partial Summary Judgment on Counts Alleging Joint Venture, Civil Conspiracy, Aiding and Abetting, and Prima Facie Tort, filed July 1, 2002, [**Doc. No. 91**] is hereby **GRANTED**. Judgment is

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<sup>1</sup> The Provident Defendants are Provident Life and Accident Insurance Company, UNUM Life Insurance Company, and UNUM Provident Corporation.

granted in favor of Provident Defendants on Count V, Count VI, Count VII and Count VIII of Plaintiff's Complaint.

Dated this 17th day of March, 2004.

  
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MARTHA VAZQUEZ  
U. S. DISTRICT COURT JUDGE

Attorneys for Plaintiff:

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Attorneys for Defendant:

Thomas L. Johnson, Esq.  
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